

REMARKS/ARGUMENTS

Claims 1–16 are pending in the captioned application.

The Examiner has required restriction under 35 U.S.C. § 121 to one of the following groups:

- I. Claims 1-3, drawn to a composition, classified in class 436, subclass 526.
- II. Claims 4-12, drawn to a method of making the composition, classified in class 435, subclass 91.3.
- III. Claims 13-16, drawn to a method of using the composition, classified in class 436, subclass 518.

The Examiner has stated, “the inventions are distinct, each from the other because of the following reasons: Inventions I, II and III are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention...”

The Examiner further states, “because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper”.

In response, Applicant elects, with traverse, to prosecute the invention of Group I, namely claims 1–3. Applicant’s traversal is based on the fact that all three groups are so interrelated as to be the same invention. Specifically, while Applicant concedes that a broader search would be required to encompass all three groups, Applicant respectfully assert that such would not place a burden on the Examiner. Indeed, Applicant respectfully asserts that the Examiner should be able to search all three groups together, and specifically, should be able to search Group III with Group I since “the use as claimed cannot be practiced with a materially different product”.

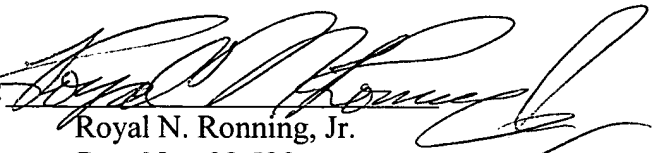
Further, the Examiner states, “the product claim will be examined along with the elected invention...” Thus, Applicant respectfully asserts that all three groups can be reasonably search by the Examiner without an unnecessary burden.

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Withdrawal of the restriction requirement is therefore respectfully requested.

Respectfully submitted,

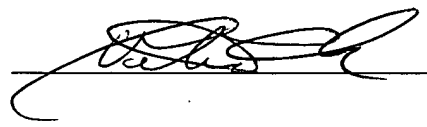
AMERSHAM BIOSCIENCES CORP

By: 
Royal N. Ronning, Jr.
Reg. No.: 32,529
Attorney for Applicants

Amersham Biosciences Corp
800 Centennial Avenue
P. O. Box 1327
Piscataway, New Jersey 08855-1327

Tel: (732) 457-8423
Fax: (732) 457-8463

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 8, 2004.

Signature: 

Name: Melissa Leck